APR 16 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

HOWARD L. GIFFORD
5021 Harrison Street
North Highlands, CA 95660
Telephone: 916/334-4701
Acting In Pro Per In FORMA PAUPERIS

RECEIVED
MAY 24 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

81-6871

SUPREME COURT OF THE UNITED STATES

HOWARD L. GIFFORD,
Petitioner/Appellant
vs.
ROBERT O. TIERNAN, CHAIRMAN,
FEDERAL ELECTION COMMISSION,
Appellee.

JURISDICTIONAL STATEMENT

FOREWARD

The apellant enclosed a copy of the Notice Of Appeal along with his Motion To Proceed In Forma Pauperis dated received by the Office of the Clerk, Supreme Court, March 29, 1982. That Notice contained Jurisdictional Correspondence and along with .3 Rule 46 Rules of The Supreme Court,

> "WHILE MAKING DUE ALLOWANCE FOR ANY CASE PRESENTED UNDER THIS RULE BY A PERSON APPEARING PRO SE, the clerk will refuse to receive any document sought to be filed that does not comply with THE SUBSTANCE of these Rules."

The Notice of Appeal certainly complied with the substance of a Jurisdictional Statement. Since this is a "POLITICAL ISSUE" the NIT PICKING continues and is noted by appellant. Maybe the following statement will prevail.

STATEMENT

The questions presented by the appeal are:

When an individual is eligible to vote in any election for the office of President of the United States may he institute such actions in the appropriate district court of the United States, including actions for declatory judgment, as may be appropriate to construe the constitutionality of any provision of the Federal Election Campaign Act and have the District Court

certify the questions of constitutionality of this Act to the United States Court of Appeals which according to USC Title 2, Chapter 14, Section 437h must then hear the action sitting en banc, and of which was done in this action along with the exception that the District Court also dismissed the action as frivolous (along with the certifying) because the appellant had filed to have the issue heard under "Forma Pauperis" and the fixed judges go along with the politicians and refuse to hear it.

Now the Rule itself actually answers this question and states:

Section 437h (b):

"NOTWITHSTANDING ANY OTHER PROVISION OF LAW, any decision on a matter certified under subsection (a) SHALL BE REVIEWABLE BY APPEAL DIRECTLY TO THE SUPREME COURT OF THE UNITED STATES. Such appeal shall be brought no later than 20 days after the decision of the Court of Appeals."

Appellant immediately filed his appeal which was received by the office of the clerk of the Supreme Court stamped received March 29, 1982 along with a copy of his Notice of Appeal and is immediately returning this document and time taken is then only by the clerk.

How long will we waits around before the above rule is acknowledged?

The Rule also provided that:

"(c) It shall be the duty of the Court of Appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under subsection (a)."

The matter was certified under the Memorandum and Order of U. S. District Judge Thomas J. MacBride on August 27, 1979.

The matter has also been continuously "withheld - circumvented" - and because it affects elections of U. S. Senators/Congressman been treated by the clerks and the courts as "TABOO" and buried until forced to answer.

The Court of Appeals refused to hear the matter en banc or in any other REAL form and are in bed with the Senators who chose them to hold the office of Federal Judge and their Order is incorrect.

This is a direct slap at the face of the poor who wish to attempt to hold Federal office and a pat on the back of those select few who are appointed to office of U. S. Senate by the Money Cartel and it's small wonder that the U. S. Senate is called the "Exclusive Club" that it is.

What the District Court and Appeals Court have done to date is exactly

what the Supreme Court Clerk is now attempting. First a game by mail. Mail the papers back and forth. Then docket the case a few years off. Then forget what it was about and judge it as a frivolous action - Hell don't pay any attention to the LAW as was/is written - make your own rules.

These are the questions of jurisdiction and jurisdiction is by USC Title 2, Chapter 14, Section 437h.

Do the politicians own the country and run it for the rich or are the poor to have a voice in their own destiny?

DATED: April 12, 1982

Howard L. Gifford

HOWARD L. GIFFORD, In Pro Per, In FORMA PAUPERIS

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, County of Sacramento, State of CA. I am over the age of eighteen years and not a party to the within above entitled action. My address is 5021 Harrison St., North Highlands, CA 95660.

On this date I served the within JURISDICTIONAL STATEMENT, by placing a true copy thereof enclosed in a sealed envelope with the postage thereon fully prepaid, in the U.S. Post Office Mail box at North Highlands, CA addressed to:

Robert O. Tiernan, et al.
c/o Charles N. Steele, General Council
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

I declare under penalty of perjury the foregoing is true and correct.

DATED: April 12, 1982

Barbara M. Gifford

BARBARA M. GIFFORD

RECEIVED
MAR 29 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

HOWARD L. GIFFORD
5021 Harrison Street
North Highlands, CA 95660
Telephone: 916/334-4701

Acting In Pro Per In FORMA PAUPERIS

RECEIVED
MAY 24 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

81 6871

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HOWARD L. GIFFORD,

Appellant,

vs.

ROBERT O. TIERNAN, CHAIRMAN, FEDERAL ELECTION COMMISSION,

Appellee.

No. 80-4211

D.C. No. CIV S 80-314 LKK

NOTICE OF APPEAL

PART I.

(a) The party taking this appeal is the plaintiff, Howard L. Gifford.

(b) The whole part of the judgment is appealed from.

(c) Date of Opinion appealed is March 4, 1982.

Date of Order denying Rehearing is March 24, 1982. U. S. Court of Appeals for the Ninth Circuit.

(d) The statute under which appeal is taken is U.S.C. 2, Chapter 14, Section 437h.

PART II.

The clerk of the Court of Appeals for the Ninth Circuit is designated to include and certify the "ENTIRE" record to the Supreme Court of the United States.

PART III.

The questions presented by the Appeal are:

1. The appellant's right to have Judicial Review under U.S.C. 2, Chapter 14, Section 437h. (Federal Election Campaigns) The District Court "concluded that this action presents a justiciable case of controversy." (Memorandum of Thomas J. MacBride dated filed August 27, 1979)

2. The District Court however, "concluded that 28 U.S.C. Section 1915(d) frivolity dismissal is not precluded by Section 437h of the Election Campaign Act."

3. The Opinion of the Appeals Court simply upholds the frivolity dismissal of the District Court and does not address itself to the constitutional question that was certified by the lower court. They addressed only the District Court's right to dismissal under frivolity WHICH is a breach of their oath's of office, to "do equal right to the poor and to the rich", and to do this agreeably to the Constitution and laws of the United States.

4. The question was/is what a bona fide candidate for Federal Office is, and U.S.C. 2, Chapter 14, Section 431 definitions explains this by two methods, each being a bona fide candidate for Federal Office.

"(1) taken the action necessary under the law of a state to qualify himself for nomination for election, or election, to Federal office;

-OR-

"(2) Received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;"

The question was/is, was part (2) constitutional? And if so how could a state Secretary of State refuse the candidacy of a candidate running simply on part (2) qualifications in 1976.

The District Court Judges being appointed to office by the Senators of this State of California squalked and put pressure on the Court because they didn't want competition for their offices and/or allow "POOR PEOPLE" to run for Federal Office and so the question has never been allowed to be put to the test of the court as to its constitutionality but rather circumvented by refusing to allow the question to come under fire by bringing in "frivolity" because the appellant filed under Forma Pauperis then, 1976, by using part 2 of the qualification above.

5. The "frivolity" was based upon two points:

1. Does justiciable basis exist?
2. Is there impressing reality?

On August 17, 1979 the District Court ruled "justiciable case of controversy" indeed exists.

But then as for impressing reality the Court based frivolity on, "the plaintiff's realistic chances of success are slight" for winning Federal Office.

That is not and never was the question before the court. The question is "candidacy" not whether one wins or loses, because only the voters can define that, and no Judge of any Court has the right to rule on contestants chances.

Therefore the right for Judicial Review as allowed by Section 437h should have prevailed.

6. The appellant has the right to appeal to the Supreme Court under 437h and it shall be the "duty" of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under subsection (a) which this issue was as stated above on August 17, 1979.

DATED: March 25, 1982

Howard L. Gifford
HOWARD L. GIFFORD, In Pro Per, In FORMA PAUPERIS

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, County of Sacramento, State of CA. I am over the age of eighteen years and not a party to the within above entitled action. My address is 5021 Harrison St., North Highlands, CA 95660.

On this date I served the within NOTICE OF APPEAL, by placing a true copy thereof enclosed in a sealed envelope with the postage thereon fully prepaid, in the U.S. Post Office mail box at North Highlands, CA addressed to:

Solicitor General, Dept. of Justice
Washington, D.C. 20530

Robert O. Tiernan, et al.
c/o Charles N. Steele, General Council
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

I declare under penalty of perjury the foregoing is true and correct.

DATED: March 25, 1982

Barbara M Gifford
BARBARA M. GIFFORD